of EDM slot 5th stage LPT vanes and cast slot 5th stage LPT vanes; PW Alert Service Bulletin (ASB) No. JT9D–7R4–72–480, dated April 20, 1993, that describes procedures for replacement of vane clusters that have machined slots in the front face of the outer platform; PW ASB No. JT9D–7R4–72–481, dated April 20, 1993, that describes procedures for replacement of vane retention bolts and nuts; and PW SB No. JT9D–7R4–72–484, Revision 1, dated October 9, 1993, that describes procedures for replacement or modification to the 3rd, 4th, and 5th stage LPT air sealing ring stop assemblies and the turbine case heat shield assemblies, and installation of new bolts.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of 3rd, 4th, and 5th stage LPT vane retention bolts and nuts and the removal of the 5th stage vane configuration which includes an EDM slot, and replacement with a cast slot configuration. In addition, the proposed AD would prohibit use of uncured anti-gallant compound on the bolts or nuts, as uncured anti-gallant compound was a contributor to the unsafe condition. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 600 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 22 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $792,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 94–ANE–51.

Applicability: Pratt & Whitney (PW) JT9D–7R4 series turbofan engines, installed on but not limited to Airbus A300 and A310 series, and Boeing 747 and 767 series aircraft NOTE: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent low pressure turbine (LPT) vane failures, which can result in uncontained engine failure, fire, and possible damage to the aircraft, accomplish the following:

(a) Remove electro-discharge machined (EDM) slot 5th stage LPT vane cluster segments, Part Numbers (P/N) 787885 or 787885–001, and replace with the cast pocket vane configuration, P/N 796985, 795175, 796985–001, 808875, 811985, or 811985–001, at the next shop visit, but not later than 5,000 cycles in service (CIS) after the effective date of this AD, in accordance with PW Alert Service Bulletin (ASB) No. JT9D–7R4–72–480, dated April 20, 1993. NOTE: Pratt & Whitney SB No. JT9D–7R4–72–473, Revision 2, dated February 8, 1993, may be used to segregate EDM slot from cast pocket 5th stage LPT vane clusters sharing the same P/N 787885 and 787885–001.

(b) For LPT modules that have been previously disassembled, perform either paragraph (b)(1) or (b)(2) of this AD at the next shop visit, but not later than 5,000 CIS after the effective date of this AD.

(1) Install new 3rd, 4th, and 5th stage LPT vane bolts and nuts, in accordance with PW ASB No. JT9D–7R4–72–481, dated April 20, 1993. Do not use uncured anti-gallant compound on the bolts or nuts.

(2) Install new 3rd, 4th, and 5th stage LPT vane bolts and nuts, and install heat shield assemblies and air sealing ring stop assemblies in accordance with PW SB No. JT9D–7R4 72–484, Revision 1, dated October 9, 1993. Do not use uncured anti-gallant compound on the bolts or nuts.

(c) For LPT modules that have never been disassembled, perform either paragraph (b)(1) or (b)(2) of this AD at the first LPT module disassembly. Do not use uncured anti-gallant compound on the bolts or nuts.

(d) For the purpose of this AD, a shop visit is defined as the induction of an engine into a maintenance facility for the purpose of either:

(1) Separation of pairs of major mating engine flanges; or

(2) The removal of an engine disk, hub, or spool.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on October 3, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–25566 Filed 10–13–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–ANE–07]

Airworthiness Directives; Teledyne Continental Motors (formerly Bendix) S–20, S–1200, D–2000, and D–3000 Series Magnetos

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), applicable to Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings, that would have superseded an AD that currently requires inspections for wear, and replacement, if necessary, of the impulse coupling assemblies. The proposed rule would have retained the repetitive inspections for wear required by the current AD, but would have also required replacement, if necessary, of riveted impulse coupling assemblies with newly designed, improved, snap ring impulse coupling assemblies. In addition, the proposed AD would have required marking the magneto data plate to indicate installation of a snap ring impulse coupling assembly. Installation of snap ring impulse coupling assemblies would have constituted terminating action to the inspection requirements of the AD. That proposal was prompted by availability of an improved design for the impulse coupling assembly. This action revises the proposed rule by allowing installation of replacement serviceable riveted as well as snap ring impulse couplings. The actions specified by this proposed AD are intended to prevent magneto failure and subsequent engine failure.

DATES: Comments must be received by December 15, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–07, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438–3411. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, GA, 30337–2748; telephone (404) 305–7371, fax (404) 305–7348.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 93–ANE–07.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–07, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

On January 4, 1983, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 78–09–07 R3, Amendment 39–4538 (48 FR 1482, January 13, 1983), to require inspections for wear, and replacement, if necessary, of the impulse coupling assemblies on certain Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings. That action was prompted by reports of numerous magneto failures. That condition, if not corrected, could result in magneto failure and subsequent engine failure.

A proposal to amend part 39 of the Federal Aviation Regulations was published as a notice of proposed rulemaking (NPRM) in the Federal Register on September 21, 1993 (58 FR 48987). That NPRM would have retained the repetitive inspections for wear required by the current AD, but would have also required replacement, if necessary, of the riveted impulse coupling assembly with newly designed, improved, snap ring impulse coupling assemblies. In addition, the proposed AD would have required marking the magneto data plate to indicate installation of a snap ring impulse coupling assembly. Installation of snap ring impulse coupling assemblies would have constituted terminating action to the inspection requirements of this AD. That NPRM was prompted by the manufacturer redesigning the impulse coupling assembly to include snap ring fastening technology which strengthens the cam axle and reduces wear. The snap ring impulse coupling assembly was believed not to have the failure mode of the previous design.

Since the issuance of that NPRM, the FAA received reports of snap ring impulse coupling assemblies being worn beyond limits. The FAA determined that it was necessary to reopen the proposal for public comment, so a Supplemental NPRM was published in the Federal Register on November 17, 1994 (59 FR 59391). That Supplemental NPRM proposed to retain the 500 hour repetitive inspections for wear required by the current AD, but would require these inspections for magnetos equipped with snap ring impulse coupling assemblies as well.

Since the publication of that Supplemental NPRM, the FAA has received comments. One commenter supports the AD as written. The other two commenters state that they basically support the AD, but feel that serviceable riveted impulse couplings should be permitted as replacement units as well as the snap ring design. The FAA concurs, while there has been no production of riveted impulse couplings since January 1992, distributors may still have some left as this was a common, relatively high use item. This new Supplemental NPRM has therefore been revised to propose replacement of worn impulse couplings with serviceable impulse couplings of either design.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA has reviewed and approved the technical contents of TCM Mandatory Service Bulletin (MSB) No. MSB645, dated April 4, 1994, that describes procedures for inspection of the impulse coupling assemblies for wear; and TCM SB No. 639, dated March 1993, that clarifies procedures for installation of impulse coupling assemblies.

The FAA estimates that 130,000 magnetos would be affected by this proposed AD, that the required inspection would take 1 work hour, plus 1 work hour to change the impulse coupling, and that the average labor rate is $60 per work hour. The average utilization of the fleet of these airplanes is estimated to be evenly divided between commercial/commuter service and private owners. The commercial/commuter service population is estimated to operate 500 hours time in service (TIS) per year; therefore the cost to perform the inspections required by the proposed AD would be approximately $3,900,000 per year. The FAA estimates that private owners operate their aircraft between 50 and 100 hours TIS per year; therefore it will take approximately 5 to 10 years to reach 500 hours time in service. The estimated cost for these owners would also be $3,900,000 spread over a time period of 5 to 10 years or 780,000 per year for 5 years or $390,000 for 10 years. The cost to replace the impulse coupling assembly is $125 per magneto plus one work hour at $60 per work hour for a total of $185 per magneto. While all the riveted impulse coupling assemblies will eventually have to be replaced, it is not possible to estimate the cost per year. The total cost for replacement for U.S. operators would be $24,050,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Teledyne Continental Motors: Docket No. 93–ANE–07.

Applicability: Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings, installed on but not limited to reciprocating engine powered aircraft manufactured by Beech, Cessna, Mooney, and Piper.

Note 1: This airworthiness directive (AD) applies to each magneto identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For magnetos that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any magneto from the applicability of this AD.

Note 2: The FAA has received reports of some confusion as to what is meant by S–20, S–1200, D–2000, and D–3000 series magnetos as referenced in TCM Mandatory Service Bulletin (MSB) No. MSB645, dated April 4, 1994, and this airworthiness directive (AD). A typical example is S6RN–25, where the S designates single type ignition unit (a D designates a dual ignition unit), the 6 designates the number of cylinders, the R designates right hand rotation, the N is the manufacturer designation (this did not change when TCM purchased the Bendix magneto product line), and the number after the dash indicates the series (a–25 is a S–20 series magneto while a –3200 is a D–3000 series magneto, etc.).

Compliance: Required as indicated, unless accomplished previously.

To prevent magneto failure and subsequent engine failure, accomplish the following:

(a) For magnetos with riveted or snap ring impulse coupling assemblies, having less than 450 hours time in service (TIS) since new, or overhaul, or since last inspection, on the effective date of this AD, accomplish the following:

(1) Prior to the accumulation of 500 hours TIS since new, or overhaul, or since last inspection, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(2) Thereafter, at intervals not to exceed 500 hours TIS since the last inspection, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(b) For magnetos with riveted or snap ring impulse coupling assemblies, having 450 or more hours TIS since new, or overhaul, or since last inspection, on the effective date of this AD, or an unknown TIS on the effective date of this AD, accomplish the following:

(1) Within the next 50 hours TIS after the effective date of this AD, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(2) Thereafter, at intervals not to exceed 500 hours TIS since the last inspection, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instruction of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office. The request should be forwarded through an appropriate

FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office. NOTE: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Atlanta Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on October 3, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–25567 Filed 10–13–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 801, 803, 804, and 897

[Docket No. 95N–0253]

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to January 2, 1996, the comment period for the proposed rule that appeared in the Federal Register of August 11, 1995 (60 FR 41314). The document proposed new regulations governing the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products in order to protect children and adolescents. As a result of this extension, the agency is providing a comment period of more than 140 days on the notice, and a comment period of more than 90 days from the date that additional documents that the agency considered were placed on display. This action is being taken in response to several requests for an extension of the comment period.

DATES: Written comments by January 2, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Policy (HF–23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3380.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 11, 1995 (60 FR 41314), FDA issued a proposed rule that would govern the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products in order to protect children and adolescents. The proposed rule would reduce easy access to these products by children and adolescents and decrease the amount of imagery that makes these products attractive to children and adolescents. The proposed rule would establish 18 years of age as the Federal minimum age of purchase and would prohibit cigarette vending machines, free samples, mail order sales, and self-service displays. It would also require that retailers comply with certain conditions regarding tobacco sales, such as verifying the purchaser's age. The proposed rule would limit advertising and labeling to which children and adolescents are exposed to a text-only format; ban the sale or distribution of branded, non-tobacco items (such as hats and tee shirts); restrict sponsorship of events to the corporate name only; and require manufacturers to establish and maintain a national public education campaign. The proposed rule would also require cigarette advertising to carry a brief statement stating, ''About one out of three kids who become smokers will die from their smoking;'' the agency stated that it would perform focus group testing to evaluate the content and format of the brief statement and other statements to determine whether the warnings are communicated effectively.

In response to the proposed rule, the Tobacco Institute; Brown & Williamson Tobacco Corp.; Liggett Group, Inc.; Lorillard Tobacco Co.; Philip Morris, Inc.; R. J. Reynolds Tobacco Co.; the Smokeless Tobacco Council, Inc.; Conwood Company, L. P.; Swisher Tobacco Co.; National Tobacco, L. P.; Pinkerton Tobacco Co.; and the United States Tobacco Co. requested a 180-day extension of the comment period. These parties requested additional time on the grounds that some references in the proposed rule were not available and that the regulatory issues were complex and controversial. They sought a 180-day comment period starting on the date when all documents and other material (including information reviewed, but not relied upon by FDA) are available for public display. The parties also requested that FDA extend the comment period to give interested persons sufficient time to review and comment on the methodology and results of focus group studies and proposed warning statements.

Additionally, the Cigar Association of America, Inc., requested a 9-month extension of the comment period to permit it to review and analyze the proposed rule and relevant technical materials. The Food Marketing Institute requested a 90-day extension of the comment period to permit it to develop information and data to respond to the proposed rule.

The agency has carefully considered the requests. The agency published the proposed rule on August 11, 1995. On August 16, 1995, the documents referred to in the proposed rule were placed in the public record. Thus, the proposed rule and the documents cited by the agency in support of the rule have been on public display since August 16, 1995. On September 29, 1995, FDA placed additional documents that the agency considered on public display at the Dockets Management Branch. Accordingly, FDA is extending the comment period to January 2, 1996. A deadline of December 28, 1995, would provide a comment period of 90 days from the date on which the agency placed additional documents that the agency considered on public display. Because, December 28, 1995, is a Thursday and January 1, 1996, is a holiday, the agency does not anticipate that it will be able to undertake significant work on the comments until January 2, 1996. Therefore, the agency is extending the comment period until January 2, 1996.

FDA will also provide a 30-day period to review and comment on the results of any focus group studies that it conducts. The agency will announce the dates for comments on the focus group studies in a future issue of the Federal Register. Otherwise, because of the public health importance of this matter, the agency advises that it does not anticipate granting further extensions of the comment period beyond January 2, 1996. In order to assure consideration by the agency, comments are to be filed by that date.

Interested persons may, on or before January 2, 1996, submit to the Dockets Management Branch (address above) written comments regarding the proposed rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office